

ORIGINAL

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNIVERSAL IMAGE, INC. §
D/B/A CHALKBOARDTALK.COM, §
§
PLAINTIFF, §
§
VS. §
§
YAHOO, INC., ET AL. §
§
DEFENDANTS. §

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED
NOV - 5 2004
CLERK, U.S. DISTRICT COURT By <i>SAC</i> Deputy

Civil Action No. 3:00-CV-1649-L

**MOTION TO PERMANENTLY MAINTAIN PREVIOUSLY FILED
REPORT OF PLAINTIFF'S COUNSEL UNDER SEAL AND BRIEF IN SUPPORT**

Plaintiff, Universal Images, Inc., and its counsel file this their motion to permanently maintain previously filed Report of Plaintiff's Counsel under seal, and as grounds therefore, would respectfully show the Court as follows:

1. On September 10, 2001, this Court directed Plaintiff's counsel to file a report by October 1, 2001, advising the Court as to (1) whether plaintiff added dubious claims to its then-pending state court suit, without serious interest in pursuing same, in order to "jockey" the case from state court to federal court and back; (2) why there was a significant delay between removal and plaintiff's subsequent effort, a year later, to remand the case; and finally, (3) whether the Court should impose sanctions upon plaintiff and its counsel.
2. Plaintiff timely filed, under seal, its "Report of Plaintiff's Counsel." The Report references and relies upon substantive, extensive and detailed privileged information, including attorney-client communications, matters of trial strategy and work product. As a result (at least in part) of filing the Report, the Court declined to order further sanctions.

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3. Plaintiff and its counsel request that this Court enter an appropriate Order directing the report to be permanently maintained under seal, on the grounds that the document contains information protected by the attorney-client relationship, that no waiver has been filed, and that the privilege is not limited as to time. Release of this sensitive information to the public might well, among other things, spawn additional litigation. *Nixon v. Warner Communications, Inc.* 435 U.S. 589, 598 (1978).

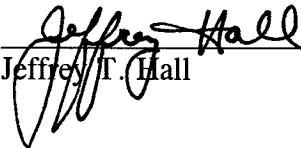
Respectfully submitted,


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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to the following:

Mike Prince, Esq.
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Jeffrey T. Hall

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